

## REMARKS

Reconsideration of the application is requested.

Claims 1-36 have been rejected. No claims have been amended. Thus, Claims 1-36 remain pending in the application.

Applicant appreciatively acknowledges the Examiner's withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, and the Examiner's consideration of Applicant's arguments submitted in the response dated July 22, 2005.

### Claim Rejections – 35 U.S.C. § 102

In "Claim Rejections – 35 USC § 102" item 6 on page 4 of the above-identified final Office Action, claims 1-6 and 8-36 have been rejected as being fully anticipated by U.S. Patent No. 6,314,570 to *Tanigawa, et al.* (hereinafter "Tanigawa") under 35 U.S.C. § 102(e). Applicant respectfully traverses.

Tanigawa discloses a data processing apparatus to display on a display unit, such as a television, a set of document data and a menu, the menu including as menu items titles to stored documents of document data. The document data displayed by Tanigawa is stored in a data storage unit of the apparatus and is organized into "documents," each document having a title and contents. The contents of any one document are then linked to the titles of other documents that match the contents of the one. Thus, any one document of a certain title may have contents matching multiple other documents with multiple other titles. As illustrated in figures 20-27 of Tanigawa, document data is first displayed in response to input from a user. Then, if a user subsequently inputs a request for a menu, a menu will be generated by Tanigawa and displayed next to the document data. The menu is generated from contents of the document currently displayed. Tanigawa searches its data storage unit for document data titles matching the contents of the document that is displayed. The menu is then constructed and displayed from the titles found to match. Should the user select a menu item to hierarchically browse, Tanigawa will then construct a sub-menu to display next to the menu, the sub-menu constructed from titles corresponding to contents of the document for which

the selected menu item is the title. The user may then choose to update which set of document data is to be displayed, and thus which corresponding menu is to be generated.

In contrast, the present invention as claimed in claim 1 recites:

receiving from a remote server a distribution collection of sub-menu items for a menu item;

determining whether one or more of the sub-menu items of said distribution collection are not a part of an operational collection of sub-menu items of the menu item;

updating the operational collection of sub-menu items of the menu item; and

changing an operational visual representation of the menu item from a first state to a second state to convey to a user of the client device that new sub-menu items have been added to the operational collection of sub-menu items of the menu item.

Even assuming *arguendo* that Tanigawa discloses “receiving from a remote server a distribution collection of sub-menu items for a menu item” and “determining whether one or more of the sub-menu items of said distribution collection are not a part of an operational collection of sub-menu items of the menu item” (points which Applicant does not concede), Tanigawa fails to teach both “updating the operational collection of sub-menu items of the menu item” and “changing an operational visual representation of the menu item from a first state to a second state to convey to a user of the client device that new sub-menu items have been added to the operational collection of sub-menu items of the menu item.”

First, Tanigawa simply does not disclose the updating of an operational collection of sub-menu items for a particular menu item. The sub-menu that is displayed on the display unit may indeed be changed, but only if the selected menu item changes. Thus, even assuming a new operational collection of sub-menu items is created when a new sub-menu is generated and displayed, the sub-menu items will be of a different menu item, that is, they will not be “sub-menu items of the menu item.” Thus, Tanigawa fails to teach “updating the operational collection of sub-menu items of the menu item.”

It further follows that Tanigawa fails to teach “new sub-menu items have been added to the operational collection of sub-menu items of the menu item.” As mentioned above,

each menu item may have a sub-menu generated that corresponds to it. However, since the sub-menu is generated from a data storage device having document data which Tanigawa does not disclose the updating of, there is nothing to serve as “new sub-menu items.” Rather, as taught by Tanigawa, each and every time a particular menu item is selected, the same corresponding sub-menu will be generated. Thus, there are no “new sub-menu items” to add to the “operational collection of sub-menu items of the menu item.”

Additionally, Tanigawa fails entirely to disclose “changing an operational visual representation of the menu item from a first state to a second state.” Tanigawa does not teach the updating of menu items. It only teaches the updating of the displayed menu. Thus, while a first menu item of a first menu may be replaced by a second menu item of a second menu on the display unit, the first menu item is not updated in Tanigawa to some other state of itself. The closest Tanigawa approaches this recitation of claim 1 is in allowing a menu item to be highlighted or not highlighted. However, even assuming *arguendo* that “highlighted” or “not highlighted” read on first state and second state, Tanigawa does not teach highlighting or not highlighting “to convey to a user of the client device that new sub-menu items have been added to the operational collection of sub-menu items of the menu item,” as is claimed in claim 1.

Accordingly, Tanigawa fails to teach the present invention as claimed in claim 1 in as complete of detail as is claimed.

Claims 14, 22, 25, 28, 31, 33, and 25 recite limitations similar to those of claim 1. Accordingly, for at least the same reasons, Tanigawa fails to anticipate claims 14, 22, 25, 28, 31, 33, and 25.

Claims 2-6, 8-13, 15-21, 23-24, 26-27, 29-30, 32, 34, and 36 depend from claims 1, 14, 22, 25, 28, 31, 33, and 35, incorporating their limitations respectively. Accordingly, for at least the same reasons, Tanigawa fails to anticipate claims 2-6, 8-13, 15-21, 23-24, 26-27, 29-30, 32, 34, and 36.

#### Claim Rejections – 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103" item 8 on page 10 of the above-identified final Office Action, claim 7 has been rejected as being obvious over Tanigawa in view of U.S. Patent Application Publication No. 2002/0080771 to *Krumer, et al.* (hereinafter "Krumer") under 35 U.S.C. § 103(a). The rejection of claim 1 is incorporated respectively. For at least the reasons previously provided, Applicant traverses.

Krumer fails to cure the above discussed deficiencies of Tanigawa. Therefore, claim 1 remains patentable over Tanigawa even when combined with Krumer.

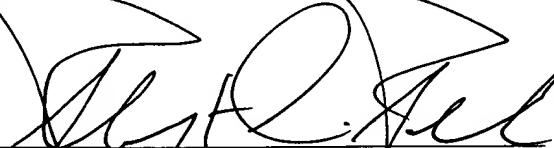
Claim 7 depends from claim 1, incorporating its limitations respectively. Thus, for at least the same reasons, claim 7 is patentable over Tanigawa in view of Krumer.

### **CONCLUSION**

In view of the foregoing, reconsideration and allowance of claims 1-36 are solicited. Applicant submits that claims 1-36 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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